

**Approved Minutes  
Spanish Fork City Planning Commission  
November 2, 2005**

Agenda review at 6:30 p.m. by Mr. Pierson.

The meeting was called to order at 7:00 p.m. by Chairman Bradford.

Commission Members Present: Chairman Paul Bradford, Assistant Chairman Del Robins, Ted Scott, Dave Lewis, Sharon Miya. Sherman Huff is excused.

Staff Members Present: Emil Pierson, City Planner; Richard Nielson, Assistant Public Works Director; Christine Johnson, Assistant City Attorney; Tricia Breinholt, Secretary.

Citizens Present: Roger Woolstenhulme, Pinnacle Development; Glen E. Brown; Sharon S. Brown; Mark Whitlock, T-Mobile; Pat Parkinson; Carolyn Rigtrup; Daren Rigtrup; Jordon K. March; Angie A. Pettys.

The pledge of allegiance was led by Commissioner Dave Lewis.

Emil Pierson presented the updates on current ongoing projects and developments.

Commissioner Scott made a **motion** to move into the public hearing portion of the meeting. Commissioner Robins **seconded**, and the motion **passed** with all in favor.

**Public Hearings**

**Whispering Willows Amended Preliminary Plat**

Mr. Pierson presented the background for the requested amendment, as follows:

**Background**

Legrande Woolstenhulme is requesting to Amend the Whispering Willows Preliminary Plat in order to remove the 12-plexes that were to be constructed north of Ridgefield Road and replace them with town homes.

Roger Woolstenhulme explained the request and stated that they believe that it will be a much better project by building town homes instead of the 12-plexes.

Chairman Bradford asked if they have done a study on the number of rental units in the area. Mr. Woolstenhulme stated that their desire is that these units would be sold individually, not necessarily as rental units.

Chairman Bradford asked if there was any public input and there was none. Chairman Bradford then closed the public hearing portion of this section.

Commissioner Lewis made a **motion** to **approve** the Whispering Willows Amended Preliminary Plat located at Ridgefield Road and Highway 51. Commissioner Robins **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

### **T-Mobile Conditional Use Permit**

Mr. Pierson presented the background for the requested conditional use permit, as follows:

#### **Background**

T-Mobile Wireless is requesting to construct an 80-foot tower in the R-1-8 residential zone. The property is located in the detention basin at the corner of 1100 East and 600 South.

According to Section 15.3.08.010 C, Uses Subject to Conditional Use Permit states that telecommunication towers must go through the conditional use permit process.

Mark Whitlock, T-Mobile representative, stated that one of the reasons that this request has come forward is because of the growth in the area; another reason is to provide coverage not only to more areas in the city, but also to area businesses. He stated that there are also more property owners that want to have service in their homes. Mr. Whitlock stated that they are also being further mandated to have E-9-1-1 capabilities, so that there is service for people to be able to call 9-1-1.

Commissioner Lewis asked if any of the other providers have talked to them about this tower. Mr. Whitlock stated that they have not yet, but they do expect that in the near future.

Chairman Bradford asked what kind of coverage there is on this tower. Mr. Whitlock stated that it depends on the area, but in some areas it is two blocks to a half mile.

Chairman Bradford opened to the floor to comments.

Glen Brown stated that he lives just across the street from this site. He stated that there is another tower just up the road. He said that he was here at the last meeting on this subject. Mr. Pierson stated that there are several other towers in the area. Mr. Brown stated that he is concerned that they will continue to put in more towers. He wonders why they need another tower. Chairman Bradford reiterated that it was just stated that one tower will cover only a two block radius. Mr. Brown stated that he is concerned about the towers popping up all over the city.

Mr. Whitlock stated that in the area of the tower previously constructed close to this one, there is an increased usage and it is being used at its maximum capacity. They would like to provide stronger, better coverage to people in the area. He stated that it is costly to construct these

towers, and their company does research on sites to see which areas need it the most.

Chairman Bradford closed this portion of the meeting to public input.

Commissioner Miya stated that most people these days have cell phones and we expect good service, and if we do not allow the cell phone companies to build towers, we will not have the service we want.

There was discussion about the height of the tower. With an 80 foot tower, you can put three providers on it, while on a 60 foot tower you can only put two providers. Commissioner Lewis stated that he would request that a portion of the money made by the city from that tower, stay in that neighborhood to improve that particular park. He also stated that we should request a tennis court type fence around the substation be put in to improve the look of the area, perhaps a vinyl coated chain link fence, with a tennis court screen around the current fence.

Commissioner Miya stated that one of the recommendations from the Development Review Committee was a six foot black or vinyl fence.

Mrs. Brown stated that the whole idea to her is the open space and being able to see children while they play. She stated that with that fence, it would obstruct that view.

Chairman Bradford asked Commissioner Lewis how high he would like this fence. Commissioner Lewis stated about eight feet.

Commissioner Robins stated that he likes the idea of the city putting a portion of the money made from the tower to go into taking care of that park and making the park better. Commissioners asked Mr. Nielson about how often that retention pond has water in it. Mr. Nielson stated that it retains water until it soaks into the ground or is evaporated. He stated that under the grass is about four feet of drain rock, and that this is a pond that has water in it fairly frequently. Commissioner Lewis asked if one end of the park were elevated, could it be made into an area for a playground. Mr. Nielson stated that it would need to be analyzed, but it could be a possibility. Commissioner Robins stated that he thinks the idea to keep revenue in the area is a good idea, but if they are losing free space, he agrees with Mrs. Brown.

Commissioner Miya asked what size of area is required to have an eight foot fence. Mr. Pierson stated that it is up to the Planning Commission. Mr. Nielson stated that the fence is approximately 50' x 40', but it could be made smaller. Commissioner Lewis recommended that the neighborhood should benefit by the revenue of the tower. Commissioner Robins asked how it benefits the neighborhood by taking away open space. Commissioner Lewis stated that it be decided by the neighborhood, that they can make that decision. Commissioner Miya asked what other open space is in that area. It was noted that there is the Junior High, the skate park, and Larsen Elementary. Commissioner Robins stated that he doesn't see the areas across Canyon Road as open spaces for this area, because of so many young children. Commissioner Miya stated that Larsen school is just a few blocks up the road.

Mr. Pierson stated that trees are a great way to block unsightly areas. Commissioner Lewis stated that we take fifty percent of the revenue for at least three years and put it towards that neighborhood area. Mr. Pierson stated that it may already be in the contract that part of the revenue be used for that area.

Commissioner Robins stated that he would like to see justification for the loss of that open space.

Commissioner Miya stated that there is a price to be paid for technology, and there are other places for children to play in the area. She stated that it is unfair to the applicant if we were to table this again. Commissioner Lewis agreed.

Chairman Bradford asked the commissioners' feelings on trees on the border of the park. Commissioner Lewis stated that he would like to leave that up to the residents of the area. Commissioner Robins stated that it would become a nightmare for the Park and Recreation Department if we were to leave it open ended like that. Mr. Pierson stated that there is a parks committee we can rely on. Commissioner Lewis stated that he is fine with the parks committee making the decision.

Mr. Brown asked if the city could supply ten thousand dollars. Commissioner Robins responded that would be a City Council question. Mr. Brown asked if the cell tower were not there, if there would be no improvements made on that park. He stated that he believes that it will look worse with the cell tower there. He stated that he has lived there for over twenty years, and things keep going in at that particular park. Commissioner Lewis stated that with the cell tower there, it will open up opportunities for the park. Mr. Brown stated that there are kids that play there that may not play there if the cell tower is there.

Commissioner Miya stated that her concern is not the money, but her concern is making a decision that will benefit the majority of the city. Commissioner Lewis stated that he agrees, but that the money should benefit that particular neighborhood.

Chairman Bradford stated that this area is zoned R-1-8, and asked Mr. Pierson if the Planning Commission has the authority to deny a cell tower in this area. Mr. Pierson stated that a conditional use is something that is approved with conditions applied to it. Mr. Pierson stated that the first and foremost use of this park is that it is to be used as a basin. The reality is that almost everyone has a cell phone and the tower would benefit the majority of the citizens of the city. Cell towers will always be there one way or another.

Christine Johnson stated that a conditional use must be approved if reasonable conditions are given.

Commissioner Robins asked the minimum area that could be used for an eighty foot tower, and if a 25'x25' area would be alright. Mr. Whitlock stated that would be appropriate for a three carrier tower.

Chairman Bradford stated that he believes if we are going to build it, it should be built for three carriers. Mrs. Maya agreed.

Recommendation Findings were read by Commissioner Lewis, as follows:

**RECOMMENDATION**

**FINDINGS**

The Planning Commission must make the following findings prior to granting a conditional use permit:

1. The proposed use is consistent with the policies of the City's General Plan and the purpose of the zoning district in which the site is located.

**Finding: The proposed use is consistent with the General Plan and the Zoning District R-1-8 does allow for a Wireless communication facilities through a Conditional Use Permit process.**

2. The proposed use will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the proposed use, when consideration is given to the character and size of the use and hours of operation.

**Finding: The use will not be materially detrimental to the health, safety or welfare of the residents because of the conditions that will be placed on the use and that everyone uses cellular phones therefore, creating the need for additional towers.**

3. The proposed site is adequate in size and shape to accommodate the intended use, and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met.

**Finding: That site is adequate in size and shape to accommodate the tower and the setbacks and location should keep it from nearby residents. The property is a detention/retention basin and is located next to an electrical substation.**

4. The proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use, and that on-site circulation is adequate to permit driveways, parking, pedestrian ways, and loading requirements in a manner which is safe and efficient.

**Finding: No additional traffic should be created from the use.**

5. Adequate conditions or stipulations have been incorporated into the approval of the Conditional Use Permit to insure that any anticipated detrimental effects can be minimized.

**Finding: That the conditions placed on T-mobile Wireless should resolve any anticipated detrimental effects from the tower. The tower will be high but the existing power poles in the area are already approximately 63-feet in height and the addition of a cellular tower shouldn't make a difference.**

Commissioner Lewis made a **motion** to **approve** the T-Mobile Wireless Conditional Use Permit located at 1100 East 600 South subject to the following conditions:

1. The location of the compound is to be off of the Questar Gas easement to the west and is to go north to the city fence line
2. The three existing trees are to be located within the cellular tower compound.
3. Tree rings are to be installed around the trees within the compound.
4. The sprinkling system is to be redesigned around the compound.
5. The tower is to be built off of the storm drain line.
6. An 80 foot, non-corrosive metal, co-locateable pole is to be installed.
7. Any landscaping damage is to be repaired as per the Parks Department.
8. Vehicles are to be kept on the existing gravel area for any future maintenance issues.
9. An eight-foot black or dark green vinyl coated chainlink fence with privacy screen is to be installed around the compound, minimized to 25'x25'.
10. Revenue in the amount of \$5,000.00 per year, for the improvement of the area within 500 feet of the compound. Such improvements would be at the discretion of the Parks Board.

Commissioner Miya **seconded** and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

Chairman Bradford asked how this money will be funneled into the right hands. Commissioner Robins stated it would be up to the parks department.

### **Nebo Annexation**

Mr. Pierson stated that the representative of the Nebo School District for this project was not able to make it to tonight's meeting. Mr. Pierson presented the background for this annexation request as follows:

The applicant(s), Nebo School District, is requesting to annex approximately 21.55 acres into Spanish Fork City from Utah County.

Mr. Pierson stated that in the future the utilities for this area will be supplied by Spanish Fork City. He stated that the Development Review Committee reviewed this request on October 6, 2005 and recommended approval subject condition:

1. Nebo School District dedicates a 66-foot right-of-way for the future 200 North road.

Commissioner Robins asked if the 66-foot road would be a three lane road. Mr. Pierson stated it would be approximately like 1700 East. Commissioner Robins asked if there will be a football stadium in the area. Mr. Pierson stated that they are still making the plans for the school. There was discussion about future annexations in the area. There was also discussion of traffic flow and trail systems.

Commissioner Robins stated that he does not think that a 66-foot road is wide enough for in front

of a high school. Mr. Nielson stated that there are two things that will be different from this high school and our current high school. He stated that one is the 66-foot wide roads on the front and on the back sides of the school. He stated that they are also taking in today's trends with concerns to traffic and parking facilities.

Chairman Bradford opened the floor to public input, none was given.

Commissioner Lewis made a **motion** to give a **positive recommendation** to the city council for the Nebo Annexation with the following condition:

1. Nebo School District dedicates a 66-foot right-of-way for the future 200 North road.

Commissioner Scott **seconded**, with all in favor.

### **Rigtrup Annexation**

Mr. Pierson presented the background for this annexation request as follows:

The applicant(s), Carolyn Rigtrup, is requesting to annex approximately 23.5 acres into Spanish Fork City from Utah County.

Mr. Pierson stated that the Development Review Committee recommended approval with the finding that the property is within the City's Declaration Boundary and that available utilities are close to the property when it develops in the future.

The Development Review Committee recommended that the Planning Commission carefully look at the zoning for the intended property and take into consideration the adjacent uses prior to recommending a zone to the City Council.

Darren Rigtrup, representing Carolyn Rigtrup, stated that the reason that they are requesting this is that there is a company that is interested in purchasing the property, and the sale is pending annexation and other details.

Commissioner Robins confirmed that the property is all owned by Mrs. Rigtrup, and she stated that it is.

There was discussion about roads in the area, as well as traffic concerns.

Mr. Rigtrup stated that as he spoke with the potential buyers, they expressed that it would make more sense for the heavy trucks to go out and around the industrial area, rather than through the residential area.

Commissioner Robins asked what we are allowing in this area. Mr. Pierson stated no gravel operation, no explosives, no residential used, but pretty much any other manufacturing uses.

Commissioner Lewis made a **motion** to give a **positive recommendation** to the City Council for the Rigtrup Annexation, subject to the following condition:

1. That the Rigtrup property be zoned Light Industrial (I-1).

Commissioner Robins **seconded**, with all in favor.

Commissioner Scott made a **motion** to move out of public hearing. Commissioner Robins **seconded**, with all in favor.

Motion to **adjourn** made by Commissioner Miya and **seconded** by Commissioner Scott. The meeting adjourned at 8:55 p.m.